

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.
18-CR-10364

UNITED STATES OF AMERICA
VS.
JASIEL F. CORREIA, II

**MOTION TO AMEND COURT ORDER PROHIBITING
CONTACT WITH WITNESSES**

Now comes the defendant, Jasiel F. Correia, II (hereinafter "Defendant"), in the above entitled cause and moves this Honorable Court for an order amending the terms of the Court's order prohibiting contact with witnesses by inserting language therein that allows the Defendant's attorney, Kevin J. Reddington, Esq., or an uninterested third party, or a party designated by the Court, to make contact with the individuals (hereinafter "Lenders"), who provided funds to the Defendant and/or his corporation, through the instrument of convertible promissory notes, which form the basis of the indictments. Counsel has conferred with the lead prosecutor, Assistant United States Attorney Zachary Hafer, as is evidenced by Exhibit A (letter and draft agreement annexed).

Notwithstanding the pendency of these indictments for trial, the Defendant seeks, through counsel, or an uninterested third party, or a party designated by the Court, to pay the full balance of the Lenders' convertible promissory notes (Exhibit B) in exchange for Lenders executing full releases (Exhibit C) of any *civil* claims that they may have against the Defendant and/or his corporation, and any ownership interest Lenders may purport to have in SnoOwl, Inc. or its intellectual property.

The Defendant believes SnoOwl, Inc. and its proprietary functionality is of significant value in the technological marketplace and he has placed \$306,000.00 in escrow, for the purpose of unencumbering the corporation and satisfying the full balances of the Lenders' convertible promissory notes. The Lenders' convertible promissory notes have never been called or converted into equity and the Defendant seeks to advise these Lenders that in return for executing full releases, the Defendant will make immediate and full payment of the principal balance of these convertible promissory notes.

It is of a concern to counsel that such contact with the potential "witnesses" would possibly be construed as a violation of law by offering money or something of value to witnesses in a pending criminal case. This is not the intent as counsel has indicated to the prosecutor and would indicate to the Lenders that the offer to satisfy the balance of these convertible promissory notes is being extended pursuant to the terms of the convertible promissory notes and to preserve the viability of the corporation. It is fully expected and understood that the government intends to proceed with the prosecution of these indictments and the Defendant is ready to go to trial on the same.

The defendant states that he has conferred with the United States in an unsuccessful attempt to narrow or resolve these issues in accordance with Local Rule 7.1.

The government strongly opposes any attempt by defendant Correia to contact the victims he is alleged to have defrauded. In the first instance, the defendant's motion appears to be in violation of Local Rule 83.2.1(a). Moreover, the timing of defendant's motion is concerning – fewer than 30 days before a political election to recall him, the defendant (through counsel) announces that he purportedly wants to pay back the victims he is alleged to have defrauded several years ago. Finally, contact between the defendant and his victims regarding

the very scope of the pending criminal case against the defendant, particularly given that the defendant wants his victims to waive their rights, is not appropriate and should not be authorized under any circumstances.

Counsel seeks guidance from the Court as to proceeding further on this matter and an order amending the terms of the Court's order prohibiting contact with witnesses.

CERTIFICATE OF SERVICE

I, Kevin J. Reddington, Esq., Attorney for the Defendant, Jasiel F. Correia, II, hereby certify that the following documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 19, 2019.

MOTION TO AMEND COURT ORDER PROHIBITING CONTACT WITH WITNESSES

/s/Kevin J. Reddington, Esq.